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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,745	01/30/2004	Christian Bauer	713-1003	9896
33712 7590 03/19/2009 LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW) 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER WUJCIAK, ALFRED J				
ART UNIT 3632		PAPER NUMBER		
MAIL DATE 03/19/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/767,745

**Applicant(s)**

BAUER, CHRISTIAN

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 12-19, 22-28, 30-31 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 12-19, 22-28, 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This is the first Office Action for the serial number 10/767,745, RETAINING MEMBER, filed on 1/30/04.

***Claim Objections***

Claims 22-25 and 28 are objected to because of the following informalities: Claims 22-25 and 28 depend on canceled claim 20. Claims 22-25 and 28 should depend on independent claim 1 for clarification. Appropriate correction is required.

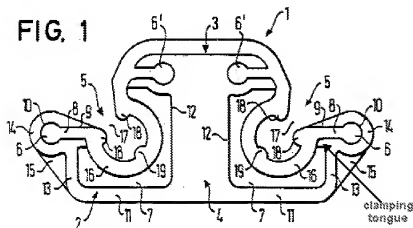
***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,464,179 to Ruckwardt in view of US Patent # 4,441,677 to Byerly.

Ruckwardt teaches a retaining member comprising a base portion (11), a first clamping member (3) connected to the base portion and comprising an elastically expandable cup (7) having an insertion slot (17) and a line seating (16) disposed in the expandable cup comprising plurality of first spaced ribs (18) and second rib (19). The clamping member is made of a rigid member (plastic, column 2, lines 61-62). The member comprises a second clamping member comprising unlined expandable cup having a smooth inner surface, an insertion slot and a clamping tongue.



Ruckwardt teaches plurality of first ribs and second rib but fails to teach plurality of first ribs having a greater overhang than the second rib, plurality of second ribs and the first ribs having a lower spring constant. Furthermore, Ruckwardt fails to teach the line seat having lining. Byerly teaches the plurality of first ribs (32) having a greater overhang than the plurality of second ribs (34) and lining (column 2, lines 50-51) The first ribs having a lower spring constant (rubber, column 2, line 50). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Ruckwardt's plurality first ribs having greater overhang than the second rib and added plurality second rib to Ruckwardt's member as taught by Byerly to eliminate bunching between adjacent ribs and to accommodate different size bundles of wires and different diameter wiring conduit (column 3, lines 51-62 in Byerly's invention).

Regarding to claim 37, Ruckwardt in view of Byerly teaches the second ribs but fails to teach the second ribs are configured to be deflected to a lesser degree than the plurality of first ribs and therefore absorb a larger amount of the force than the plurality of first ribs. Since the second ribs are smaller than the first ribs and are made of rubber material, it has the ability of

being configured to be deflected to a lesser degree than the plurality of first ribs and absorb a larger amount of the force than the plurality of first ribs.

***Allowable Subject Matter***

Claims 1, 12-19, 22-28 and 30-31 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 1, 12-19 and 22-28 are allowed after board's decision.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632  
3/16/09